

REMARKS

Claims 1 and 2 have been canceled. New Claims 3-14 remain active in the case.

The present invention relates to a hair dye composition.

Claim Amendments

New Claim 3 is directed to a method of dyeing the hair as described on page 9, lines 15-21 of the specification. As such the method of the invention requires the initial mixing of the two packs and then the application of the mixture to the hair. Finally, after dyeing, the applied material is removed from the hair. Support for new Claims 4-7 is also found on page 9 of the text. In particular, support for Claim 9 is found at page 5, lines 5-11 of the text. Support for the remaining claims can be found in the subject matter of the claims active in the parent case. Accordingly, it is believed that the newly submitted claims do not introduce new matter into the case. Entry of the new claims is respectfully requested.

Prior Art Rejection

The Wenke patent, U.S. Patent 5,100,436, is of record in the parent application. This patent discloses a method of dyeing the hair which involves the catalytic action of a chelated metal. As such the technique of the patent is a two stage treatment, wherein, in a first stage, the hair is pre-treated with the chelated metal, and then thereafter, the second pack material of the oxidation dye formulation is applied to the hair. The chelated metal which had been previously applied acts as a catalyst in accelerating the oxidation of the dye precursors. Thus, the method of the patent is completely unlike that which is now claimed wherein, at the time of use, the two packs are mixed and then the mixture obtained is applied to the hair. Accordingly, Wenke is not relevant to the method of dyeing of the present invention.

Although the Massoni patent discloses a two-pack hair treatment formulation of an oxidizer phase and a tint phase, the tint phase formulation is quite unlike the first pack formulation employed in the present invention, and therefore this patent does not suggest the invention as claimed.

Accordingly, it is believed that the application is in proper condition for consideration on its merits.

Respectfully submitted,

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